

## LEAD DISCLOSURE RULE (1018) INSPECTION REPORT

I. **OWNER:** Beaver Valley Realty  
2392 Mill St.  
Aliquippa PA 15001  
724-375-7762

II. **DATE OF INSPECTION:** April 21, 2016

III. **EPA INSPECTOR(S):** SEE Inspector Samolis

MDA 6-8-16

IV. **EPA REGION III, LAND AND CHEMICALS DIVISION (LCD)/TOXICS PROGRAMS BRANCH (TPB)**

- John Armstead, LCD Director
- Harry Daw, LCD Associate Director for Office of Toxics and Pesticides
- Aquanetta L. Dickens, Chief, Toxics Programs Branch

V. **PURPOSE OF INSPECTION:**

The EPA conducted an inspection on April 21, 2016 of Beaver Valley Realty, owner of [REDACTED], in response to a tip/complaint received from [REDACTED] a tenant who resides at that address. The internet tip/complaint was received on March 14, 2016 and forwarded to Inspector Samolis on March 22, 2016. [REDACTED] alleges not receiving any disclosure information or the pamphlet *Protect your Family from Lead in your Home* before being obligated under the lease contract. The inspection was performed in order to determine Beaver Valley Realty's level of compliance with the *Real Estate Notification and Disclosure Rule*.

VI. **BACKGROUND INFORMATION:**

On March 29, 2016 the Inspector sent an *Inspection Confirmation Letter* out to Beaver Valley Realty to set-up an inspection to determine Beaver Valley Realty's level of compliance with the *Real Estate Notification and Disclosure Rule*. An inspection was set-up for April 5 2016. During a return call from Mr. Terry Wightman, Broker, for the company, on April 3, 2016, the EPA requested that Mr. Wightman make available for the Inspector a list of lease agreements for pre-1978 properties rented from March 1, 2015 to the present. During the call, Mr. Wightman asked if the inspection could be moved to later in the month since the beginning of the month was busy with collecting rent. The Inspector agreed to his request and asked that Mr. Wightman to let him know as soon as possible to make sure that there were no conflicts with other scheduled inspections. Ms. Megan Stidham, Office Manager for Beaver Valley Realty,

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telephoned the inspector on April 16, 2016. From this conversation the inspection was rescheduled for April 21, 2016.

The Inspector notified Ms. Slaybaugh and Ms. Barkus, of the Pennsylvania Lead Program, on March 29, 2016 that there would be a *Lead Disclosure* rule inspection of Beaver Valley Realty

#### Background About the Alleged Violator

Beaver Valley Realty manages the property at 2392 Mill St. Aliquippa PA. According to Dun & Bradstreet the company is a real estate manager, agent and broker. According to Mr. Coleman the company manages over one hundred properties.

#### Background About the Complainant

The tip/complaint was received on March 14, 2016 via the EPA website [REDACTED] was still a resident at [REDACTED] at the time of the complaint. Inspector Samolis sent [REDACTED] by email on March 22, 2016 and later by UPS on March 29, 2016 a request to fill out a declaration and provide written testimony regarding the violations observed and any other information to support his allegations [REDACTED] did return a completed declaration on April 3, 2016 with a copy of his lease, several photographs with lead test results and results of mold testing. In subsequent emails [REDACTED] complained about asbestos, mold and lead affecting his health. The Inspector referred [REDACTED] to local Health Department for his non-lead related complaints. Also in a subsequent email [REDACTED] stated that he never received the pamphlet *Protect your Family from Lead in your Home* and that the real estate agent told him to initial that he had received it anyways.

#### Information About the Property Where Alleged Violation Occurred

The violation is alleged to have occurred at [REDACTED]. The latitude/longitude coordinates for this property address are [REDACTED], according to <http://itouchmap.com/latlong.html>. According to Real Quest this property was built in 1940. According to EPA databases, this property is not located in an *Environmental Justice Area* of concern. According to the state Health Department there have been no reports of elevated blood lead levels for the [REDACTED] property.

## **VII. OPENING CONFERENCE**

On April 21, 2016 at approximately 1:00 p.m., Inspector Samolis arrived at the office of Beaver Valley Realty to conduct an inspection to determine Beaver Valley Realty's level of compliance with the *Real Estate Notification and Disclosure Rule*. Upon arrival, Inspector

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Samolis introduced himself, presented his credentials to Mr. Wightman and explained the purpose of the visit. Mr. Wightman introduced himself and his mother, Laurie Wightman, Owner of Beaver Valley Realty. Inspector Samolis asked Mr. Wightman if he was the person authorized to give consent to the inspection. Mr. Wightman stated that he was in fact the appropriate person to consent to the inspection. Once this was established, Inspector Samolis presented and explained the *Notice of Inspection* and *Confidential Business* Forms to Mr. Wightman and both Inspector Samolis and Mr. Wightman signed the forms.

Inspector Samolis proceeded to explain that the purpose of the inspection was to determine the Wightman's level of compliance with the *Real Estate Notification and Disclosure Rule*. Inspector Samolis also indicated that, as part of the inspection, he would be requesting to see leases for pre-1978 properties leased from March 1, 2015 to the present as requested in the *Inspection Confirmation Letter* sent out on March 29, 2016. Mr. Wightman stated he had approximately eighty written leases. Mr. Wightman stated that he had legal issues with [REDACTED] and that [REDACTED] complaint was vindictive in nature.

The Inspector then asked Mr. Wightman background questions. Mr. Wightman replied that his mother has been in the rental business since about 2008 and that the gross commission income from the rentals was \$96,000 last year. Mr. Wightman stated that he was knowledgeable about *Lead Disclosure* and that they used standard forms approved by the state's Attorney General for disclosure in both leases and sales agreements and was very careful to make sure that they went over every line of the lease or sale with the lessee or buyer to see if they have questions. The Inspector then stated that [REDACTED] claimed he didn't receive the pamphlet but was instructed to initial for it when signing the lease and that you knew there was lead in the property. Mr. Wightman stated we hand out the pamphlets and both [REDACTED] and girlfriend initialed that they had received it and that most likely there was lead in the property but had no reports about lead and didn't test for it. Mr. Wightman stated that he signs the contracts, that Ms. Stidham keeps the records, doesn't do lead testing and assumes all properties are pre-78 for leases and sales and does proper disclosure.

#### **VIII. REVIEW OF FILES/AVAILABLE DOCUMENTS:**

The Inspector reviewed sixteen leases and took seven and reviewed thirteen sales and took two sales agreements. The property address along with the year built, and lease contract dates are listed below:

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LEASES/AGREEMENTS OF SALE:

	<u>ADDRESS</u>	<u>LEASE/CONTRACT DATE</u>	<u>YR BLT</u>
1.	[REDACTED]	May 17, 2013	1940
2.	[REDACTED]	March 13, 2015	1967
3.	[REDACTED]	August 1, 2015	1955
4.	[REDACTED]	June 18, 2015	1910
5.	[REDACTED]	February 26, 2016	1924
6.	[REDACTED]	February 1, 2015	1920
7.	[REDACTED]	December 18, 2015	1959
8.	[REDACTED]	March 29, 2016	1956
9.	[REDACTED]	August 1, 2015	1900

**IX. CLOSING CONFERENCE:**

After all transaction documents were copied and recorded on the *Receipt for Documents* form, Inspector Samolis provided a copy of the *Receipt for Documents* to Mr. Wightman which Mr. Wightman signed and was given a copy. Inspector Samolis gave Mr. Wightman a *Lead Disclosure Compliance Assistance Package* and briefly explained its contents. Inspector Samolis asked Mr. Wightman if he had any additional questions or comments. Mr. Wightman had no further questions about *Lead Disclosure* or his responsibilities.

Inspector Samolis thanked Mr. Wightman for his complete cooperation and left the premises 2:45 pm.

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